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Mariko Hirai

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06/29/2009

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EXAMINER

HON, SOW FUN

ART UNIT

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1794

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

1. The amendment dated 06/18/09 placing the limitations of claim 9 into independent claims 1, 4 and 8, with new claims 33-34 repeating the limitation of claim 10, will be entered, but fails to place the application in condition for allowance for the reasons set forth below.

2. Applicant argues that the combinations of references fail to provide for the features of claim 9 or 10 regarding the azimuth valuation and relation of $(\lambda_1 - \lambda_2) = 10$ to 50 nm.

Applicant is respectfully apprised that upon further consideration of the arguments presented by Applicant's representative during the interview dated 06/11/09, and a further review of Applicant's specification, the prior art rejections of claim 10 will be withdrawn due to the evidence in Applicant's specification that the azimuth valuation and relation of $(\lambda_1 - \lambda_2) = 10$ to 50 nm requires a process that does not involve mere stretching of the film. Thus, newly proposed claims 33-34 which repeat the limitations of claim 10 will be objected to along with claim 10.

On the other hand, Applicant is respectfully reminded that the limitations of claim 9 do not reflect the azimuth valuation and relation of $(\lambda_1 - \lambda_2) = 10$ to 50 nm of claim 10, which Applicant's specification determined is essential to Applicant's invention (page 12, Example 1). The limitations of claim 9 only describe a phenomenon that occurs when the film containing the fine metallic particles of the claimed combination of particle size and aspect ratio, is stretched. As recorded in the interview summary dated 06/11/09, the Office's position is that the process of forming metal particles from reducing a metal

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salt where the metal salt is introduced into the matrix of both Land and Hikmet as a solution, is the same process as the one in Kawazu which explicitly teaches the particle size and the aspect ratio of the metal particles formed by such a process.

Therefore, the prior art rejections of claims 1, 3-8, 17-32 will be sustained even with the addition of the limitations of claim 9 to independent claims 1, 4, 8.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon/
Examiner, Art Unit 1794

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1794